

ORDINANCE NO. 14-_____

BE IT ORDAINED by the City Council of the City of Huntsville, Alabama, as follows:

Section 1. The City Council of the City of Huntsville, Alabama, finds that an application has been presented to the City of Huntsville requesting a vacation of utility and drainage easements; that the applicant has represented to the City of Huntsville that Capital Park Apartments, LLC, is the owner of the property across which said easements lie; that said easements, or portions being vacated, are not presently used and are no longer needed for a public or municipal purpose.

Section 2. Pursuant to the findings in Section 1 hereinabove, the Mayor of the City of Huntsville, Alabama, is hereby authorized, requested and directed to execute a quitclaim deed vacating the easements hereinafter described, said deed being substantially in words and figures as follows, to-wit:

STATE OF ALABAMA

COUNTY OF MADISON

KNOW ALL MEN BY THESE PRESENTS, that the CITY OF HUNTSVILLE, a municipal corporation, hereinafter referred to as Grantor, for and in consideration of the sum of Ten Dollars (\$10.00) in hand paid by CAPITAL PARK APARTMENTS, LLC, a Georgia limited liability company, hereinafter referred to as Grantee, the receipt whereof is hereby acknowledged, and other good and valuable consideration, does hereby remise, release, quitclaim and convey unto the said Grantee all of its right, title, interest, and claim in and to the easements upon the following described real estate situated in the County of Madison, State of Alabama, to-wit:

See attached EXHIBIT "A," which is hereby incorporated herein. The easements being vacated were originally established on that certain Plat recorded in the Probate Records of Madison County, Alabama in Document Number 20080429000274600 and are also depicted in attached Exhibit "B," for clarification purposes.

TO HAVE AND TO HOLD the same unto the said Grantee, its successors and assigns, forever.

IN WITNESS WHEREOF, Grantor has caused this instrument to be signed in its behalf by its Mayor and attested by its Clerk-Treasurer, this ____ day of _____, 2014.

**CITY OF HUNTSVILLE, ALABAMA,
an Alabama municipal corporation**

By: _____
Tommy Battle, Mayor

ATTEST:

By: _____
Charles E. Hagood
Clerk-Treasurer

STATE OF ALABAMA
COUNTY OF MADISON

I, the undersigned, a Notary Public in and for said County, in said State, hereby certify that Tommy Battle and Charles E. Hagood, whose names as Mayor and City Clerk-Treasurer, respectively, of the CITY OF HUNTSVILLE, an Alabama municipal corporation, are signed to the foregoing instrument, and who are known to me, acknowledged before me on this day that, being informed of the contents of this instrument, they, as such officers and with full authority, executed the same for and as the act of said City of Huntsville, an Alabama municipal corporation, as of the day the same bears date.

Given under my hand and official seal this the ____ day of _____, 2014.

NOTARY PUBLIC
My commissioner expires: _____

THIS INSTRUMENT PREPARED BY:
Samuel H. Givhan
WILMER & LEE, P.A.
100 Washington Street
Huntsville, Alabama 35801

Exhibit "A"
EASEMENT 1

ALL THAT PART OF LOT 3 ACCORDING TO THE FINAL PLAT OF CAPITAL PARK AT SEVENTY TWO, A RESUBDIVISION OF THE PARK AT SEVENTY TWO DOCUMENT NO. 20080429000274600 AND A RESUBDIVISION OF INDIAN CREEK VILLAGE COMMERCIAL CONDOMINIUM, A CONDOMINIUM DOCUMENT NO. 20090831000566810 AS THE SAME IS RECORDED IN THE PROBATE RECORDS OF MADISON COUNTY, ALABAMA IN DOCUMENT 20140430000220550 (THE "CAPITAL PARK PLAT"), WHICH LIES IN THE AREA MORE PARTICULARLY DESCRIBED AS BEGINNING AT A POINT LOCATED NORTH 22 DEGREES 22 MINUTES 05 SECONDS EAST, 16.50 FEET FROM THE SOUTHWEST CORNER OF SAID LOT 3;

THENCE FROM THE POINT OF BEGINNING NORTH 22 DEGREES 22 MINUTES 05 SECONDS EAST, A DISTANCE OF 977.71 FEET TO A POINT;

THENCE SOUTH 67 DEGREES 56 MINUTES 30 SECONDS EAST, A DISTANCE OF 15.00 FEET TO A POINT;

THENCE SOUTH 22 DEGREES 22 MINUTES 05 SECONDS WEST, A DISTANCE OF 478.54 FEET TO A POINT;

THENCE SOUTH 67 DEGREES 56 MINUTES 30 SECONDS EAST, A DISTANCE OF 135.11 FEET TO THE POINT OF CURVATURE OF A CURVE TO THE LEFT HAVING A RADIUS OF 20.00 FEET;

THENCE ALONG THE ARC OF SAID CURVE A DISTANCE OF 31.34 FEET (CHORD BEARING AND DISTANCE OF NORTH 67 DEGREES 10 MINUTES 17 SECONDS EAST, 28.23 FEET) TO A POINT;

THENCE NORTH 22 DEGREES 22 MINUTES 05 SECONDS EAST, A DISTANCE OF 448.54 FEET TO THE POINT OF CURVATURE OF A CURVE TO THE LEFT HAVING A RADIUS OF 20.00 FEET;

THENCE ALONG THE ARC OF SAID CURVE A DISTANCE OF 10.55 FEET (CHORD BEARING AND DISTANCE OF NORTH 07 DEGREES 10 MINUTES 10 SECONDS EAST, 10.43 FEET) TO A POINT;

THENCE SOUTH 67 DEGREES 56 MINUTES 30 SECONDS EAST, A DISTANCE OF 10.96 FEET TO THE POINT OF CURVATURE OF A CURVE TO THE RIGHT HAVING A RADIUS OF 30.00 FEET;

THENCE ALONG THE ARC OF SAID CURVE A DISTANCE OF 10.32 FEET (CHORD BEARING AND DISTANCE OF SOUTH 12 DEGREES 26 MINUTES 33 SECONDS WEST, 10.27 FEET) TO A POINT;

THENCE SOUTH 22 DEGREES 22 MINUTES 05 SECONDS WEST, A DISTANCE OF 448.55 FEET TO THE POINT OF CURVATURE OF A CURVE TO THE RIGHT HAVING A RADIUS OF 30.00 FEET;

THENCE ALONG THE ARC OF SAID CURVE A DISTANCE OF 46.99 FEET (CHORD BEARING AND DISTANCE OF SOUTH 67 DEGREES 11 MINUTES 08 SECONDS WEST, 42.33 FEET) TO A POINT;

THENCE NORTH 67 DEGREES 56 MINUTES 30 SECONDS WEST, A DISTANCE OF 135.17 FEET TO A POINT;

THENCE SOUTH 22 DEGREES 22 MINUTES 05 SECONDS WEST, A DISTANCE OF 364.84 FEET TO A POINT;

THENCE SOUTH 22 DEGREES 22 MINUTES 41 SECONDS EAST, A DISTANCE OF 117.64 FEET TO A POINT;

THENCE SOUTH 89 DEGREES 41 MINUTES 31 SECONDS WEST, A DISTANCE OF 106.01 FEET TO THE POINT OF BEGINNING AND CONTAINING 0.59 ACRES MORE OR LESS.

AND

EASEMENT 2

ALL THAT PART OF LOT 3 ACCORDING TO THE CAPITAL PARK PLAT, WHICH LIES IN THE AREA MORE PARTICULARLY DESCRIBED AS BEGINNING AT A POINT LOCATED NORTH 87 DEGREES 23 MINUTES 50 SECONDS WEST 15.01 FEET FROM THE SOUTHEAST CORNER OF SAID LOT 2;

THENCE FROM THE POINT OF BEGINNING NORTH 67 DEGREES 56 MINUTES 30 SECONDS WEST, A DISTANCE OF 268.06 FEET TO THE POINT OF CURVATURE OF A CURVE TO THE RIGHT HAVING A RADIUS OF 30.00 FEET;

THENCE ALONG THE ARC OF SAID CURVE A DISTANCE OF 47.29 FEET (CHORD BEARING AND DISTANCE OF NORTH 22 DEGREES 47 MINUTES 12 SECONDS WEST, 42.54 FEET) TO A POINT;

THENCE NORTH 22 DEGREES 22 MINUTES 05 SECONDS EAST, A DISTANCE OF 326.91 FEET TO THE POINT OF CURVATURE OF A CURVE TO THE RIGHT HAVING A RADIUS OF 30.00 FEET;

THENCE ALONG THE ARC OF SAID CURVE A DISTANCE OF 10.04 FEET (CHORD BEARING AND

DISTANCE OF NORTH 31 DEGREES 56 MINUTES 42 SECONDS EAST, 9.99 FEET) TO A POINT;

THENCE SOUTH 67 DEGREES 56 MINUTES 30 SECONDS EAST, A DISTANCE OF 10.96 FEET TO THE POINT OF CURVATURE OF A CURVE TO THE LEFT HAVING A RADIUS OF 20.00 FEET;

THENCE ALONG THE ARC OF SAID CURVE A DISTANCE OF 10.37 FEET (CHORD BEARING AND DISTANCE OF SOUTH 37 DEGREES 12 MINUTES 27 SECONDS WEST, 10.25 FEET) TO A POINT;

THENCE SOUTH 22 DEGREES 22 MINUTES 05 SECONDS WEST, A DISTANCE OF 326.91 FEET TO THE POINT OF CURVATURE OF A CURVE TO THE LEFT HAVING A RADIUS OF 20.00 FEET;

THENCE ALONG THE ARC OF SAID CURVE A DISTANCE OF 31.52 FEET (CHORD BEARING AND DISTANCE OF SOUTH 22 DEGREES 47 MINUTES 12 SECONDS EAST, 28.36 FEET) TO A POINT;

THENCE SOUTH 67 DEGREES 56 MINUTES 30 SECONDS EAST, A DISTANCE OF 264.07 FEET TO A POINT;

THENCE SOUTH 00 DEGREES 20 MINUTES 45 SECONDS WEST A DISTANCE OF 10.76 FEET TO THE POINT OF BEGINNING AND CONTAINING 0.15 ACRES MORE OR LESS.

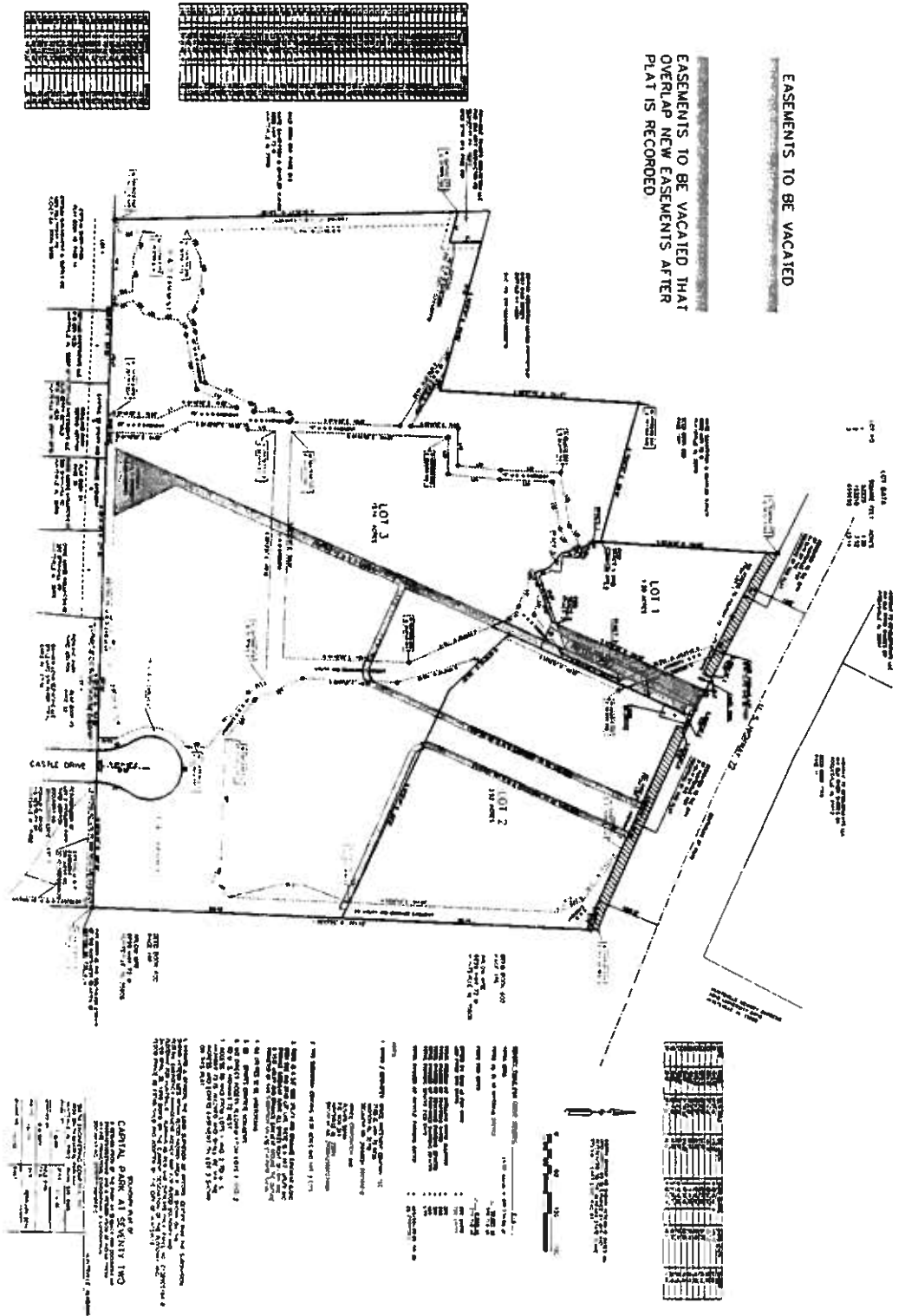
LESS AND EXCEPT, FROM BOTH EASEMENT 1 AND EASEMENT 2, THE UTILITY AND DRAINAGE EASEMENTS THAT OVERLAP WITH THE ABOVE DESCRIBED DESCRIPTIONS THAT WERE DEDICATED TO THE CITY OF HUNTSVILLE BY THE RECORDING OF THE FINAL PLAT OF CAPITAL PARK AT SEVENTY TWO, A RESUBDIVISION OF THE PARK AT SEVENTY TWO DOCUMENT NO. 20080429000274600 AND A RESUBDIVISION OF INDIAN CREEK VILLAGE COMMERCIAL CONDOMINIUM, A CONDOMINIUM DOCUMENT NO. 20090831000566810 AS THE SAME IS RECORDED IN THE PROBATE RECORDS OF MADISON COUNTY, ALABAMA IN DOCUMENT 20140430000220550.

Attach color coded plat.

Attach color coded plat.

EASEMENTS TO BE VACATED

EASEMENTS TO BE VACATED THAT
OVERLAP NEW EASEMENTS AFTER
PLAT IS RECORDED



Ordinance No. 14-_____ (Cont.)
Capital Park Apartments, LLC

ADOPTED this the 24th day of July, 2014.

President of the City Council
of the City of Huntsville, Alabama

APPROVED this the 24th day of July, 2014.

Mayor of the City of
Huntsville, Alabama